

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01362
Hon. David A. Faber

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01665
Hon. David A. Faber

**CARDINAL HEALTH, INC.’S RESPONSE TO
PLAINTIFFS’ NOTICE OF “SUPPLEMENTAL AUTHORITY”**

Plaintiffs “Notice of Supplemental Authority” (Dkt. 495-1) is not notice of any “authority” at all. It is a 2017 e-mail chain between employees of a different company, AmerisourceBergen Drug Corporation (“ABDC”), discussing newly filed lawsuits against ABDC. That e-mail has nothing to do with Cardinal Health and is not relevant to Cardinal Health’s motion for summary judgment on *res judicata* grounds (Dkt. 216, 220, 252, 285). It certainly is not legal authority bearing on Cardinal Health’s motion. The Court therefore should disregard Plaintiffs’ submission.

Dated: June 4, 2020

Respectfully submitted,

/s/ Steven R. Ruby

Brian A. Glasser (WVSB #6597)

Steven R. Ruby (WVSB #10752)

Raymond S. Franks II (WVSB #6523)

BAILEY GLASSER LLP

209 Capitol Street

Charleston, West Virginia 25301

Telephone: (304) 345-6555

Facsimile: (304) 342-1110

bglasser@baileyglasser.com

sruby@baileyglasser.com

rfranks@baileyglasser.com

Counsel for Cardinal Health, Inc. in Cabell County action

/s/ Michael W. Carey

Michael W. Carey (WVSB #635)

David R. Pogue (WVSB #10806)

Carey, Scott, Douglas & Kessler, PLLC

901 Chase Tower, 707 Virginia Street, East

P.O. Box 913

Charleston, WV 25323

Telephone: (304) 345-1234

mwcarey@csdlawfirm.com

drpogue@csdlawfirm.com

Counsel for Cardinal Health, Inc. in The City of Huntington action

Enu Mainigi

F. Lane Heard III

Ashley W. Hardin

WILLIAMS & CONNOLLY LLP

725 Twelfth Street NW Washington,

DC 20005

Telephone: (202) 434-5000

Facsimile: (202) 434-5029

emainigi@wc.com

lheard@wc.com

ahardin@wc.com

Counsel for Cardinal Health, Inc.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this 4th day of June, 2020, the foregoing
**“CARDINAL HEALTH, INC.’S RESPONSE TO PLAINTIFFS’ NOTICE OF
“SUPPLEMENTAL AUTHORITY”**“ was filed electronically via the Court’s CM/ECF
electronic filing system which will send notification to all counsel registered in the system.

/s/ Steven R. Ruby
Steven R. Ruby